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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,271	02/21/2002	Andreas von Niederhausern	770P010682-US (PAR)	9777

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PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER

HSIEH, SHIH WEN

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/081,271	NIEDERHAUSERN ET AL.
Examiner	Art Unit	
Shih-wen Hsieh	2861	

-- The MAILING DATE of this communication app a rs on th e cover sheet with th e correspond enc e address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 25 March 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-4 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 4 is/are allowed.

6)  Claim(s) 1-3 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-6 . 6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement filed on March 25, 2002 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

For this particular Information Disclosure Statement (IDS), there is no PTO-1449 being attached, this form if for Examiner to initial and sign. However, in viewing of all of the pending applications in this IDS, no one belongs to class 347, their class, art unit and the Examiners' name for each of the application are noted along with each of the applications. A copy of which is send back to for your reference.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Aoki (JP 408207293 A).

Aoki teaches:

An inkjet printhead cleaning station (11, fig. 1) for cleaning a movable inkjet printhead assembly comprising:

a housing structure (6, fig. 1) for the cleaning station, refer to page 11/20, lines 7-17;

a wiper element (8, fig. 1) having a free end portion;

a pivotable carriage assembly (12, fig. 1) secured to the wiper element and adapted to rotate the wiper and thereby bend the free end portion of the wiper element, refer to the English constitution; and

a hook element (19, fig. 1) positioned on the movable inkjet printhead assembly and adapted to engage the pivotable carriage and thereby rotate and bend the free end portion of the wiper against the housing thereby removing ink from the wiper, refer to the English Constitution and fig. 2 for the pivotable carriage assembly (12, fig. 1) to pivot.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. . . Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki.

In regard to:

Claim 2:

The device of Aoki DIFFERS from claim 2 in that it does not teach: wherein said cleaning station includes a plurality of wiper elements each being secured to a pivotable carriage assembly.

If a first wiper is disposed in a first pivotable carriage assembly as claim 1 recited, then a similar arrangement is just a duplication.

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Aoki to include at least a second wiper and its pivotable carriage assembly to form a plurality of such cleaning

station such that one wiper wipes a first print head, and the second wiper wipes a second print head, refer to MPEP 214.04 VI B.

Claim 3:

Aoki further teach:

wherein each carriage assembly includes an arm member (15, FIG. 1) projecting therefrom, each arm member being adopted to engage-said hook element and thereby rotate said wiper. For the engagement, please see fig. 2.

***Allowable Subject Matter***

6. Claim 4 is allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the allowance of claim 4 is the inclusion of the limitation of this print head cleaning station has a third area in which ink is forced through the nozzle for a second time. It is this limitation found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

US reference 5,644,345, "Service station for ink jet printer", issued to Toniolo, 7/97 teaches a service station (30, fig. 1) having a first area (36, fig. 1) for receiving discharged ink (as waste ink), a pivotable wiper (34, fig. 1) can be seen as the second

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area to wipe clean the print head, and apertures (70 and 71, fig. 1) used to cover the print head can be seen as the fourth area. US reference 5,946,009, "Service station for ink-jet printer" issued to Youn, 8/99 teaches a service station (100, figs. 4-11) having a wiping area where the head is wiped clean by a wiper (111), a spitted area (116) to allow the head discharges ink (as waste ink) and a cap (113) to cover the head. These two references do not have an area for ink to be forced through the nozzle for a second time. US reference 5,896,143, "Ink jet recording apparatus" issued to Matsui et al., 4/99 teach in their fig. 15 two forced ink discharge areas (30 and 31), a wiper (18) and cap (42), however, the wiper (18) is not pivotable. EP 0 604 068 A2, "print head servicing apparatus" issued to Grange, 6/94 teaches a service station having a sled (22, figs. 1-3) with two caps (24a and 24b) mounted on it, a pivotable lever (14) coupled to the sled through a shaft (20) disposed into a notch (12a), and a wiper (18), the wiper can be pivoted and rotated to an up position to abut the head and to wipe the head by the movement of a carriage (16), however, Grange fail to teach to force ink discharge in the first and second areas.

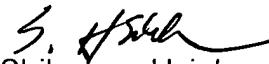
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-wen Hsieh whose telephone number is 703-305-4961. The examiner can normally be reached on 7:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, B. Fuller can be reached on 703-308-0079. The fax phone numbers for the

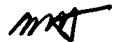
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organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
Shih-wen Hsieh  
Primary Examiner  
Art Unit 2861

SWH



May 15, 2003